IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2867 OF 2005

M/s. Galaxy Films Distributors &
Exhibitors Pvt. Ltd. .. Petitioners

Versus

Municipal Corpn. of Gr.Mumbai and Ors. Respondents

Mr.R.M.Nakhwa i/b V.B.Chavan for petitioners
Mrs. A.R.Joshi for the respnodent Corporation

CORAM : P.V.KAKADE, J.
DATE : 21ST DECEMBER, 2005

P.C.:

1. Heard the learned counsel for both the parties. Perused the record.

2. The petitioner challenges the order in respect of Attachment/Warrant dated 25.12.2005 issued by Respondent no.3 in respect of property bearing Ward No.S-2949(1) as described in Exhs.N and R and penalty orders at Exhs.D, I, L and U annexed to the petition. After hearing the parties for some time it was apparent that the matter could be disposed of with certain directions instead of making payment which is due under Warrant of Attachment.

2. Today the learned counsel for the petitioner has brought to my notice that the total amount of Rs.5,18,000/= is paid, which is part of the warrant of attachment and the amount of Rs.1,79,804/= is outstanding against the warrant of attachment and the petitioner undertakes to pay the said amount within eight weeks. In view of this position, the petitioner is directed to pay the said amount of Rs.1,79,804/= within eight weeks and on this direction and undertaking the warrant of attachment stands raised.

3. Similarly the impugned order dated 18.3.2005 vide Exh.R appears to be non speaking order, no reasons are given and it further shows that merely figures are

mentioned on the reverse of the intimation slip and therefore, in view of the judgment of the Apex Court in Kamala Mills case the matter would be required to be remanded back to the Asstt. Assessor and Collector for hearing afresh. Hence the matter is remanded to the concerned authorities i.e. Asstt. Assessor & Collector for fixing ratable value of the property for the year 2002-2003, 2003-2004, 2004-2005 and 2005-2006 by passing the reasoned orders after giving opportunity to both the parties in the said matter.

4. With this direction the petition stands disposed of. It is clarified that after passing the reasoned speaking order the petitioner would be at liberty to take the matter to the appropriate forum, if so required.